

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

JOHN L. BERNSTEIN, et. al.,

No. C 13-1563 RS

Plaintiffs,

v.

**ORDER REVOKING *IN FORMA*  
*PAUPERIS* STATUS**

JANET DUNLOP, et al.,

Defendants

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This closed action is on appeal. The Court of Appeals has referred the matter to this Court for a determination whether plaintiff's *in forma pauperis* ("IFP") status should continue for this appeal. This Court determines that it should not. There are no valid grounds on which an appeal can be based. Consequently, the Court certifies that any appeal taken from the order of dismissal and judgment of this action will not be taken in good faith and is therefore frivolous. Fed. R. App. P. ("FRAP") 24(a)(3)(A); *Ellis v. United States*, 356 U.S. 674, 674– 75 (1958); *Hooker v. American Airlines*, 302 F.3d 1091, 1092 (9th Cir. 2002). Accordingly, plaintiff's IFP status is hereby REVOKED. The Clerk shall forthwith notify plaintiff and the Court of Appeals of this order. See FRAP 24(a)(4). Plaintiff may file a motion for leave to proceed IFP on appeal in the Court of Appeals within thirty days after service of notice of this order. See FRAP 24(a)(5). Any such

1 motion “must include a copy of the affidavit filed in the district court and the district court’s  
2 statement of reasons for its action.” *Id.*

3  
4 IT IS SO ORDERED.

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6 Dated: 1/7/14



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RICHARD SEEBORG  
UNITED STATES DISTRICT JUDGE